

80-155-A
33

**PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS**
AND FOR APPLICATION OF PLANNING BOARD PARKING SPACE STANDARDS
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

For or on behalf of FIJI, INC., legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 409.2(d) of the Zoning Law of Baltimore County, and therefore it is requested that a variance from section 409.2(b)(3) be granted

pursuant to 409.2(d) to allow no parking spaces in town center of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
That Section 409.2(d) provides that the Planning Board may adopt parking space standards for town centers which differ from the parking space requirements otherwise applicable under these zoning regulations.
That the attached letter dated February 23, 1979 from William F. Kirwin, Chairman of the Baltimore County Planning Board, states that the Planning Board has adopted such revised standards, which were contained in the Proposed Amendment to the Baltimore County Zoning Regulations. "Parking Requirements in Town Centers" adopted May 18, 1978, a copy of which is also attached hereto.
That the Zoning Commissioner may, upon Petition and after public hearing, order that the Planning Board standards be applied to the subject property of this Petition.
That the Planning Board has recommended that no parking be required for restaurants in town centers. (Continued on next page)
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

FIJI, INC.
By: Richard E. Evans, Legal Owner
Richard E. Evans, President
Address: 521 York Road
Towson, Maryland 21204

Protestant's Attorney
Address: 210 Allegheny Avenue
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of December, 1979, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of February, 1980, at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.
(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
W/S of York Rd., 175' :
N of Pennsylvania Ave., 9th District : OF BALTIMORE COUNTY
FIJI, INC., Petitioner : Case No. 80-155-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmernan
Peter Max Zimmernan
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 21st day of January, 1980, a copy of the foregoing Order was mailed to Edward L. Blanton, Jr., Esquire, 210 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Edward L. Blanton, Jr., Esquire
210 Allegheny Avenue
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 18th day of December, 1979.

William E. Hammond
Zoning Commissioner

Petitioner FIJI, INC.

Petitioner's Attorney Edward L. Blanton, Jr., Reviewed by: Nicholas B. Commodari
Esq. Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 7, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Edward L. Blanton, Jr., Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 83
Petitioner - FIJI, INC.
Variance Petition

Dear Mr. Blanton:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the west side of York Road north of Pennsylvania Avenue in the center of Towson, the subject property is presently improved with your clients' restaurant. This property as are most of properties in Towson, does not provide on-site parking for customers. However, because of the expansion of this restaurant into the adjacent alley in 1976, parking was required to be provided by this office. As a result of this requirement, a lease agreement with the Baltimore County Revenue Authority was executed and the necessary permits for this expansion were approved by Baltimore County.

In view of the fact that your client has failed to renew said lease, a violation hearing (C-79-80) has been held concerning this matter. A final order is being held in abeyance until the subject request has been decided.

Under Section 409.2.4 of the Baltimore County Zoning Regulations, the Zoning Commissioner is empowered to grant relief from the parking requirements for restaurants in Town Center (CT) Districts. At the present time the Planning Board is in the process of reviewing a proposal to eliminate required parking spaces for restaurants within the aforementioned districts. However, this matter has not been finalized as of yet.

Item No. 83
Variance Petition
February 7, 1980

Particular attention should be afforded to the comments from the Department of Permits and Licenses.

Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hhk

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

December 18, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #83 (1979-1980)
Property Owner: FIJI, Inc.
W/S York Rd. 175' N. Pennsylvania Ave.
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance to permit no parking for restaurants in Town Centers, pursuant to Section 409.2 (c) in an application of Planning Board Parking Space Standards.
Acres: 0.0898 District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved in connection with this specific variance for application of Planning Board Standards of Section 409.2 d of the Baltimore County Zoning Regulations.

However, the submitted plan does not indicate the former alley, which comprises the southernmost portion of the Petitioner's site, known as "The Crease" restaurant. The plan should indicate this former alley, provide its width and length, and note that the alley was formally closed by Baltimore County, November 25, 1974.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #83 (1979-1980).

Very truly yours,

Ellsworth M. Diver, P.E.
Chief, Bureau of Engineering

EHD:EAM:FWR:ss

CC: R. Norton, C. Burnham, J. Wimbley, J. Trenner
N-W Key Sheet
38 NE 3 Pos. Sheet
NE 10 A Topo
70 and 70A Tax Maps

Maryland Department of Transportation
State Highway Administration

James I. O'Donnell
Secretary
M. S. Caltrider
Administrator

October 30, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, Oct. 23, 1979
ITEM: 83.
Property Owner: FIJI, Inc.
County Office Bldg.
Location: W/S York Rd.
(Route 45) 175' N Pennsylv-
Varia Ave.
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance to permit no parking for restaurants in Town Centers, pursuant to Section 409.2(d) in an application of Planning Board Parking Space Standards.
Acres: 0.0898
District: 9th

Dear Mr. Hammond:

There is a pronounced lack of parking in the subject area. This area is highly congested and any reduction in required parking is highly undesirable.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: John E. Meyers

CL:JEM:vrd

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that the subject premises have been used as a restaurant and/or bar prior to the adoption of not only the parking requirements but also the Baltimore County Zoning Regulations and, therefore, enjoys a nonconforming status as to the parking requirements for that portion of the premises exclusive of the addition to the restaurant made in 1975; that strict compliance with the Zoning Regulations regarding the parking requirements to the area of addition would result in practical difficulty and unreasonable hardship upon the Petitioner; and that the granting of the variance will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th day of May, 1980, that a variance to permit ten parking spaces in lieu of the required forty-two spaces should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The variance to the parking requirements shall be limited to the restaurant use only.
2. Submission of proof of a bonafide lease for said parking requirements to the Zoning Commissioner.

Zoning Commissioner of
Baltimore County

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 31, 1979

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: October 23, 1979

RE: Item No: 79, 80, 81, 82, 83, 84
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative

WNP/bp

JOSEPH N. MCGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. ROTHRUIS

THOMAS H. BOYER
MRS. LORRAINE F. CHIRCUS
ROGER B. HAYDEN

ALVIN LORECK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACY, D.V.M.

ROBERT Y. DUBEL, SUPERINTENDENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Date: November 2, 1979

FROM: Captain Joseph Kelly, Fire Prevention Bureau

SUBJECT: Zoning Advisory Committee Meeting of October 23, 1979

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

ITEM # 80 Property Owner: Melvin A. & Anna C. Grueninger
Location: S/S Loreley Beach Rd. 5850' S & W Allender Rd.
No Comments

ITEM # 81 Property Owner: William S. Hendricks
Location: E/S Chestnut Ridge Rd. 179.21' W Fallswood Terr.
No Comments

ITEM # 83 Property Owner: FIJI, Inc.
Location: W/S York Rd. 175' N Pennsylvania Ave.
No Comments

ITEM # 84 Property Owner: Ridgely Realty Co.
Location: W/S York Rd. 535' N Ridgely Rd.
No Comments



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

December 5, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #83, Zoning Advisory Committee Meeting, October 23, 1979, are as follows:

Property Owner: FIJI, Inc.
Location: W/S York Road 175' N. Pennsylvania Ave.
Existing Zoning: BM-CT
Proposed Zoning: Variance to permit no parking for restaurants in Town Centers, pursuant to Section 409.02(d) in an application of Planning Board Parking Space Standards.
Acres: 0.0893
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

November 26, 1979

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

This department has no comment for the following items: Numbers 80, 81, and 83.

Very truly yours,

Michael S. Flanigan
Traffic Engineering Associate II

MSF/mjm



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

December 3, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #83, Zoning Advisory Committee Meeting of October 23, 1979, are as follows:

Property Owner: FIJI, Inc.
Location: W/S York Rd. 175' N Pennsylvania Ave.
Existing Zoning: B.M.-C.T.
Proposed Zoning: Variance to permit no parking for restaurants in Town Centers, pursuant to Section 409.2 (d) in an application of Planning Board Parking Space Standards.
Acres: 0.0893
District: 9th

Metropolitan water and sewer exist; therefore, no health hazards are anticipated.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRE/ltb



Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 494-3610

JOHN D. SEYFFERT
DIRECTOR

October 26, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #83 Zoning Advisory Committee Meeting, October 23, 1979 are as follows:

Property Owner: FIJI, Inc.
Location: W/S York Road - 175' N Pennsylvania Ave.
Existing Zoning: B.M. -C.T.
Proposed Zoning: Variance to permit no parking for restaurants in Town Centers, pursuant to Section 409.2 (d) in an application of Planning Board Parking Space Standards.
Acres: 0.0893
District: 9th

The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 supplement, state of Maryland Code for the Handicapped and aged and other applicable codes.
- B. A building permit shall be required before construction can begin.
- C. Additional _____ Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- G. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section
- J. COMMENT - If sufficient and acceptable spans are not available this could violate the State Handicapped Code. The State law will I am sure supercede local laws and regulations. Only the State Handicapped committee as a group can grant waivers. Interpretation powers lies with the State.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not to be construed as the full extent of any permit.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB:rrj

PETITION FOR VARIANCE

9th District

ZONING: Petition for Variance for parking
LOCATION: West side of York Road, 175 feet North of Pennsylvania Avenue
DATE & TIME: Thursday, February 14, 1980 at 1:30 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance for an application of Planning Board Parking Space Standards requesting a variance to allow no parking spaces in town center

The Zoning Regulation to be excepted as follows:

Section 409.2(b)(3) - Parking spaces
Section 409.2(d) - Modification of Parking Space Requirements in C.C... Districts or Town Centers

All that parcel of land in the Ninth District of Baltimore County

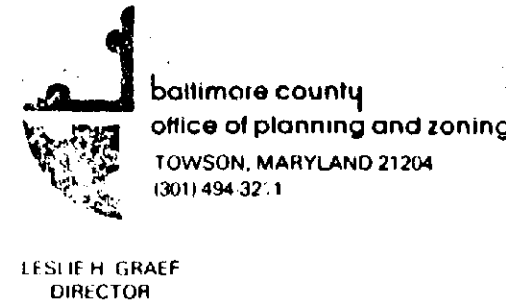
Being the property of FIJI, Inc., as shown on plat plan filed with the Zoning Department

Hearing Date: Thursday, February 14, 1980 at 1:30 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR ZONING VARIANCE
Page -Two-

That the restaurant operated by the Petitioner is located in a town center, and it is requested that the property be exempted from any parking space requirements otherwise applicable under the existing Zoning Regulations, as contemplated in the Planning Board's Parking Standards.



February 23, 1979

Mr. Jay V. Strong, Jr.
Attorney At Law
210 Allegheny Avenue
Towson, Maryland 21204

Re: Parking Standards for
Towson Business District

Dear Mr. Strong:

In response to your letter of February 8, 1979, it is my opinion that the Planning Board, in effect, has adopted the subject standards by its approval and transmittal to the County Council of the proposed amendment (Parking Standards in Town Centers) to the Zoning Regulations in May of 1978. Please note, however, that the Board believes that the proposed changes to the Zoning Regulations should be made.

It is my understanding that the planning staff discussed with you your particular problems by phone. If you have any further questions concerning this matter, please feel free to call on me.

Sincerely,

William F. Kirwin
William F. Kirwin, Chairman
Baltimore County Planning Board

WFK:JGH:rw
cc: Frank Fisher
Carole Messerschmidt
J.G. Hoswell

FINAL Report of the
Baltimore County Planning Board
Adopted May 18, 1978

PROPOSED AMENDMENT TO THE BALTIMORE COUNTY ZONING REGULATIONS:
PARKING REQUIREMENTS IN TOWN CENTERS

Baltimore County Office of Planning and Zoning
Towson, Maryland

PROPOSED AMENDMENT TO THE BALTIMORE COUNTY ZONING REGULATIONS:
PARKING REQUIREMENTS IN TOWN CENTERS

A Final Report of the Baltimore County Planning Board*

DISCUSSION

Fully developed town centers include a wide variety of uses such as offices, stores, restaurants, and residences, that have different peak hours of use and that are located within walking distance of each other. Many of the customers of shops and restaurants in those town centers, therefore, are likely to have parked their automobiles at and walked from other locations, such as their places of work. In addition, in such centers, restaurants, which need parking spaces primarily in the evening, could make use of spaces that, during the day, are used by offices. This potential for shared use of parking reduces the total number of spaces required to serve the well-developed town center as a whole.

Town centers are desirable locations for housing for the elderly, since the facilities and services needed by the occupants are conveniently available in those centers. Because the elderly tend to depend much more on mass transportation and much less on private automobiles than the general population does, the number of residential parking spaces needed to serve housing for the elderly is considerably lower than the number needed for the general population.

The Zoning Regulations currently provide that the Planning Board may adopt special parking standards for town centers. Any such standards may be applied, however, only on a case-by-case basis, by order of the Zoning Commissioner, following petition and public hearing. Consequently, businesses in town centers are required to provide more parking spaces than they actually need. Excessive parking requirements tend to discourage development in town centers, where land is more expensive, and to channel it instead to outlying areas; yet, from the standpoint of the community as a whole, it is far more desirable to concentrate development in central locations. The Planning Board believes, therefore, that in town centers containing a variety of land uses the number of parking spaces required for retail shops and stores and for housing for the elderly should be substantially reduced without the requirement for petition and public hearing. The Board also believes that restaurants in these town centers need not be required to provide any spaces, since their customers are likely to walk from work or shopping or, after working hours, can be allowed to use parking areas provided by other businesses.

An additional constraint on development in town centers stems from the requirement that parking be located within 500 feet of the building it is intended to serve. This requirement also tends to discourage the concentration of development desired in town centers. The Board believes that, while parking clearly must be located within walking distance of the business it serves, the maximum distance permitted should be increased in well-developed town centers. This increase would allow businesses more flexibility in developing shared parking areas and would make it possible to locate parking facilities toward the edges of the centers, reserving the core locations for more appropriate uses.

*Adopted May 18, 1978.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
John D. Seyffert, Director
Office of Planning and Zoning
FROM: Petition No. 80-155-A Item 83
SUBJECT: Petition for Variance for parking
West side of York Road, 175 feet North of Pennsylvania Avenue
Petitioner - Fiji, Inc.

Date: January 18, 1980

Edward L. Blanton, Jr., Esquire
210 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance - W/S of York Road, 175' N of Pennsylvania Avenue
Fiji, Inc. - Case No. 80-155-A

TIME: 1:30 P.M.

DATE: Thursday, February 14, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

Ninth District

HEARING: Thursday, February 14, 1980 (1:30 P.M.)

This office supports the petitioner's request. A proposed amendment to the Baltimore County Zoning Regulations deleting the requirement for parking for restaurants in Town Centers was approved by the Planning Board and is currently before the County Council for their review.

John D. Seyffert
John D. Seyffert, Director
Office of Planning and Zoning

JDS:JGH:acb

Edward L. Blanton, Jr., Esquire
210 Allegheny Avenue
Towson, Maryland 21204

January 29, 1980

RE: Petition for Variance - Fiji, Inc.
W/S York Rd., 175' N Pennsylvania Avenue
Case No. 80-155-A

Dear Sir:

This is to advise you that \$22.50 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Sandra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
William E. Hammond
Zoning Commissioner

VEE:ej

David O. Brooks & Associates, Inc.

Registered Professional Land Surveyors
Real Estate Development Consultants

J. FINLEY RANSOME, R.P.L.S.
PRESIDENT

P. O. BOX 228
PHOENIX, MARYLAND 21131
(301) 687-9141

SUCCESSORS TO
DAVID O. BROOKS, R.P.L.S.
1958-1971
ROBERT W. ACRETS, R.P.L.S.
1972-1974

July 20, 1979

CREASE Restaurant, Towson
Zoning Description

ALL THAT piece or parcel of land situate lying and being in the Ninth Election District of Baltimore County, State of Maryland and described more particularly as follows to wit:

BEGINNING for the same on the West side of York Road, Maryland Route 45 at a distance 175.00 feet northerly from the intersection of the west side of York Road and the north side of Pennsylvania Avenue, running thence northerly binding on the west side of York Road 26.00 feet, thence leaving said York Road and binding on the outlines of the property of the petitioners herein Westerly 150.50 feet to the easterly side of a 12.00 foot alley, thence binding on said alley Southerly 26.00 feet thence Easterly 150.50 feet to the place of beginning.

One of the centers to which these standards would apply is the Towson town center. The County has found that a significant number of people who work in Towson park their automobiles on nearby residential streets. To alleviate this problem, the Baltimore County Department of Traffic Engineering will limit daytime parking on a number of those streets to two-hour periods, beginning during the spring and summer of 1978. The Baltimore County Revenue Authority is undertaking a study to determine the most appropriate locations for additional parking garages to serve the Towson town center. The Revenue Authority hopes to begin construction of the first of these new facilities in late 1978 or early 1979. These actions are expected to reduce commuter parking on residential streets near the Towson town center, while the reduced parking standards proposed in this report would help to attract needed commercial development to the center itself.

In order to avoid imposing an unfair burden, compared to new restaurants, on existing restaurants that have contracts to rent parking spaces from the Revenue Authority, the Planning Board feels that those restaurants should be permitted to sublet their unneeded parking spaces.

RECOMMENDATION It is recommended that Subsection 409.2 of the Baltimore County Zoning Regulations, 1955, as amended, be further amended by adding the following new paragraph immediately after Paragraph 409.2.2:

- e. Parking Requirements in Town Centers. In those town centers in which at least 50 percent of the total floor area is occupied by office or residential uses, except in the case of a property governed by parking-space standards implemented by a petition granted pursuant to Paragraph d, only 1 parking space for each 325 square feet of total floor area need be provided for buildings devoted to retail trade, only 1 space for each 2 dwelling units need be provided for housing for the elderly, and none need be provided for restaurants. Parking required for any use in a town center shall be located within 1500 feet of the building it is intended to serve, provided that no such parking may be located outside the boundaries of the town center. This paragraph shall not be construed to prevent further decreases in the number of parking spaces required for any use in a town center, granted pursuant to Section 307, in appropriate cases.

Edward L. Blanton, Jr., Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Variance
W/S of York Road, 175' N of Pennsylvania Avenue - 9th Election District
FIJI, Inc. - Petitioner
NO. 80-155-A (Item No. 33)

Dear Mr. Blanton:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/erl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

May 9, 1980

EDWARD L. BLANTON, JR.
JAY V. STRONG, JR.
JOSEPH M. AID
DOUGLAS W. GRINNELL
ASSOCIATES

EDWARD L. BLANTON, JR., P.A.
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

SUITE 210, ROSLEY BUILDING
TELEPHONE (301) 296-8160
NORMAN E. BURKE
COUNSEL

9 October 1979

Mr. William E. Hammond
Zoning Commissioner of
Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: FIJI, Inc. t/a The Crease

Dear Mr. Hammond:

We submit herewith a petition for application of planning board parking standards to the restaurant in Towson known as The Crease.

We are also enclosing a check in the amount of \$25.00 to cover the necessary filing fee. We will coordinate preparation and erection of the sign with your staff. We would appreciate the hearing in this matter being scheduled at the earliest possible date.

Thank you for your assistance and consideration.

Very truly yours,

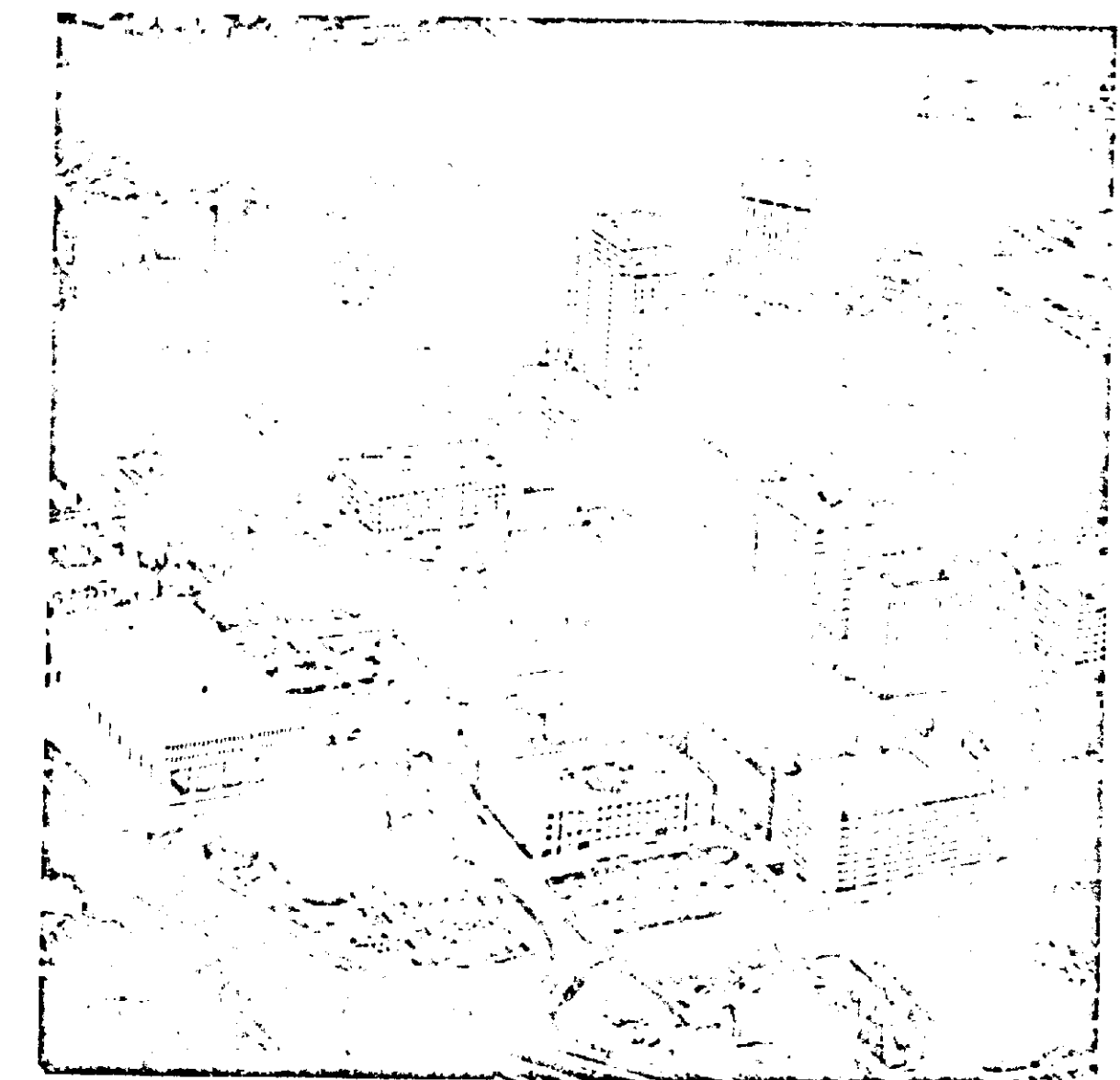
Jay V. Strong, Jr.

JVS,jr:jah
Enclosures
cc: FIJI, Inc. t/a The Crease

TOWSON TOWN CENTER

WORKING PAPER

COPE LINDER WALMSLEY Architects Engineers Landscape Architects



-2-

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FERRERI'S EXHIBIT 2

evidence corroborates earlier observations of ratios in Columbia, Maryland¹⁰. This evidence alone justifies a considerable reduction in the requirements for retail parking. But Towson's situation is different from that of a regional shopping center, where everyone arrives by car and the only parking space available is that provided by the retail center. Though most people drive to Towson, there are car parking spaces available other than those provided for the exclusive use of shopping center customers. Peak demand for office and retail uses occur at different hours of the day, thus when there is general space available a certain amount of sharing can be assumed. We recommend a one third reduction from the present 5.0 spaces per 1000 sq. ft. of GBA to 3.3 per 1000 sq. ft. of GBA.

Careful examination of the zoning code by our consultants suggests that parking standards for restaurants are punitive. Restaurants are undifferentiated, thus the same number of spaces are required per square foot for a high class restaurant with more area per table and lower turnover as for a fast food facility. Restaurants are generally used at lunch time by office workers who are walk-in trade or in the evenings. Provision of parking is not a problem after 5:00 p.m. since office workers go home and vacate the majority of parking spaces. Thus no additional spaces need to be provided for evening uses, rather existing spaces should be utilized for longer hours. We recommend that for restaurants and bars, whose major trade takes place after regular working hours, no additional spaces need be provided. However, owners of these businesses could still contribute to the cost of providing parking by buying validation stickers to give to customers and employees. This would keep parking spaces used during the day in use for longer hours. The incentive of removing stringent parking requirements for such uses would be particularly beneficial since it would encourage more round-the-clock activity in the core area.

We have already recommended that Towson needs a comprehensive traffic and parking management plan. Our recommendation relating to car parking standards should be reviewed as part of this plan.

¹⁰Ferreri, Michael "Parking Space Goes Further at Multi-Use Projects", Real Estate Review, Fall 1976.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 11 day of 2-8, 1979.

Filing Fee \$ 75 Received: ☒ Check

☐ Cash

☐ Other

William E. Hammond, Zoning Commissioner

Petitioner: FIJI, Inc. Submitted by: [Signature]

Petitioner's Attorney: [Signature] Reviewed by: [Signature]

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: [Signature]	Revised Plans: Change in outline or description Yes <input type="checkbox"/> No <input type="checkbox"/>									
Previous case: _____	Map # _____									

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9 Date of Posting: 1/31/80
Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Signs: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 2/1/80

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 85586

DATE: 1/14/80 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: FIJI, Inc.

FOR: Filing Fee for Case No. 80-155-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 85612

DATE: February 5, 1980 ACCOUNT: 01-662

AMOUNT: \$25.50

RECEIVED FROM: FIJI, Inc.

FOR: Advertising and Posting for Case No. 80-155-A

VALIDATION OR SIGNATURE OF CASHIER

DUPLICATE

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 21, 1980

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 19th day of January, 1980, the first publication appearing on the 21st day of January, 1980.

THE JEFFERSONIAN

Cost of Advertisement, \$ 75

PETITION FOR VARIANCE

9th District
Zoning: Petition for Variance
for parking

Location: West side of York
Road, 175 feet North of
Pennsylvania Avenue.

Date & Time:
THURSDAY, FEBRUARY 14, 1980
AT 1:30 P.M.

Public Hearing: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Act and
Regulations of Baltimore
County, will hold a public
hearing:

Petition for Variance for an
application of Planning Board

Parking Space Standards
requesting a variance to allow
no parking spaces in town
center.

The Zoning Regulation to
be excepted as follows:

Section 409.2(b)(3) - Parking
spaces.

Section 409.2(d)
Modification of Parking Space
Requirements in C.C.C.
Districts or Town Centers

All that parcel of land in the
Ninth District of Baltimore
County

Beginning for the same on the
West side of York road,
Maryland Route 45 at a
distance 175.00 feet northerly
from the intersection of the
west side of York road and the
north side of Pennsylvania
avenue, running thence
northerly binding on the west
side of York road 26.00 feet,
thence leaving said York road
and binding on the outlines of
the property of the petitioners
herein Westerly 150.50 feet to
the easterly side of a 12.00 foot
alley, thence binding on said
alley Southerly 26.00 feet
thence Easterly 150.50 feet to
the place of beginning.

Being the property of Fiji,
Inc., as shown on plat plan filed
on the Zoning Department.

Hearing Date: Thursday,
February 14, 1980 at 1:30 P.M.

Public Hearing: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

BY ORDER OF
WILLIAM E. HAMMOND
Zoning Commissioner
of Baltimore County

THE ESSEX TIMES

Bal Air, Md., Jan 24 19 80

This is to Certify, That the annexed

Petition
Fiji
ESSEX TIMES

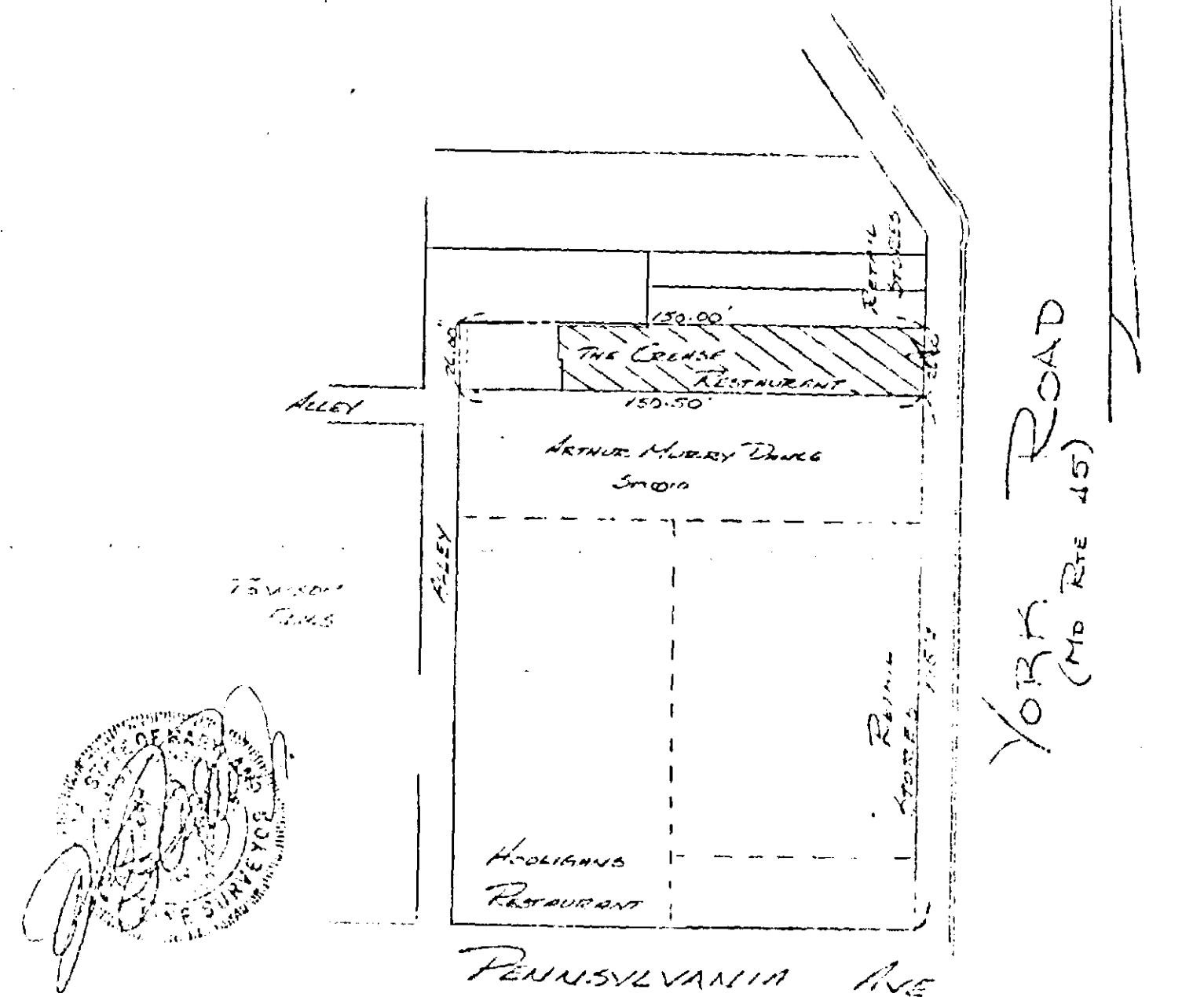
was inserted in THE ESSEX, a newspaper printed
and published in Harford County, once in each

of One successive

weeks before the 14th day of

Feb 19 80
William E. Hammond Publisher.

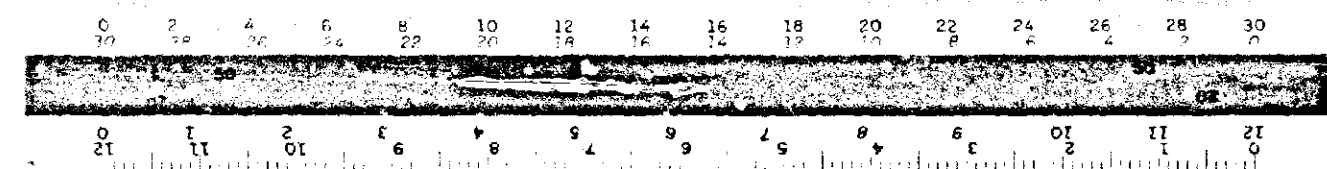
9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
ZON D B M - C.T.



PLAT TO ACCOMPANY
Petition for Variance
for APPLICATION OF
PLANNING BOARD STANDARDS
OF
SECTION 409.2 d
OF THE BALTIMORE COUNTY
ZONING REGULATIONS

DEED REC.: VJR 3457/525
ENR/L 5433/714

SCALE 1"=50' DATE JULY 25, 1979
DAVID O'BRIEN & ASSOCIATES
LAND SURVEYORS
CONSULTING ENGINEERS
2330 YORK RD
TOWSON, MARYLAND
301-561-0479
File No: 98-005



22"

17"

11"

0.5"

0.5"

11"

17"

22"

TOWN CENTER
and
Town Center Distributor-Bypass Roads
TOWSON

TOWN CENTER DISTRIBUTOR-BYPASS ROAD

3 WEST BURKE AVE

TOWN CENTER DISTRIBUTOR-BYPASS ROAD

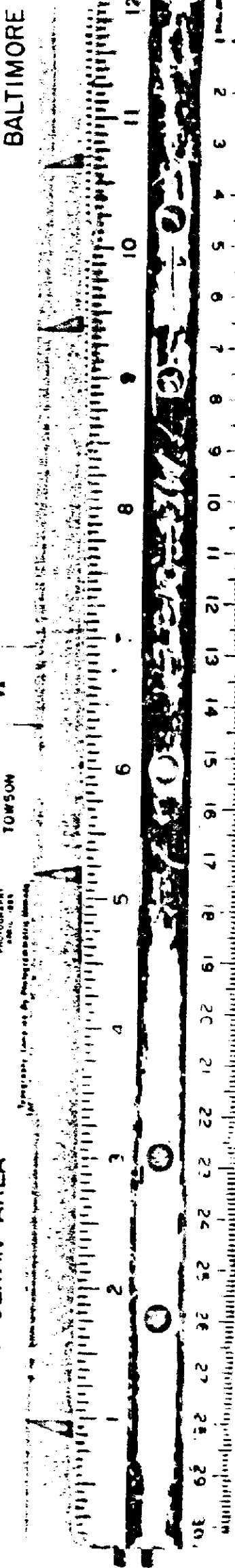
TOWN CENTER BOUNDARY
TOWN CENTER DISTRIBUTOR BYPASS

LEGEND

THIS MAP IS PART OF A RESOLUTION FILED
"TOWN CENTERS AND TOWN CENTER DISTRIBUTOR-
BYPASS ROADS," SUBMITTED BY THE PLANNING
BOARD OF BALTIMORE COUNTIES ON JUNE 11, 1970
AND APRIL 15, 1971, AND APRIL 30, 1972 AND
JANUARY 25, 1974.

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA



17"

17"

22"